

1 Scott S. Thomas
2 Nevada Bar No. 7937
3 sst@paynefears.com
4 Sarah J. Odia
5 Nevada Bar No. 11053
6 sjo@paynefears.com
7 Jared De Jong (*Pro Hac Vice Pending*)
8 California Bar No. 260921
9 PAYNE & FEARS LLP
10 6385 S. Rainbow Blvd., Suite 220
11 Las Vegas, Nevada 89118
12 Telephone: (702) 851-0300
13 Facsimile: (702) 851-0315
14 *Attorneys for Plaintiff/Counter Defendant*
15 *Capitol Specialty Insurance Corporation*

16 **UNITED STATES DISTRICT COURT**

17 **DISTRICT OF NEVADA**

18 CAPITOL SPECIALTY INSURANCE
19 CORPORATION, a Wisconsin corporation,
20 as assignee of UNITED CONSTRUCTION
COMPANY,

21 Plaintiff,

22 v.

23 STEADFAST INSURANCE COMPANY, a
24 Delaware corporation; RHP MECHANICAL
25 SYSTEMS, a Nevada corporation, STATE
NATIONAL INSURANCE COMPANY,
INC., a Texas corporation; and AXIS
SURPLUS INSURANCE COMPANY, an
Illinois corporation

26 Defendants.

27 **AND RELATED CROSSCLAIM**

28 Case No.: 2:20-cv-1382-JCM-VCF

29 **STIPULATION AND ORDER TO DISMISS DEFENDANT STATE**
30 **NATIONAL INSURANCE COMPANY, INC. WITH PREJUDICE**

31 IT IS HEREBY STIPULATED by and between Plaintiff Capitol Specialty Insurance
32 Corporation, as assignee of United Construction Company ("Plaintiff") and Defendant State
33 National Insurance Company, Inc. ("Defendant"), through their respective attorneys of record, that

1 Plaintiff's Second Amended Complaint filed against Defendant shall be dismissed with prejudice
2 pursuant to FRCP 41(a)(2). Each party shall bear their own attorneys' fees and costs.

3 Dated: June 23, 2022

Dated: June 24, 2022

4 PAYNE & FEARS LLP

CHRISTIAN, KRAVITZ, DICHTER,
JOHNSON & SLUGA

6 By: /s/ Sarah J. Odia

7 Scott S. Thomas, Esq.
Nevada Bar No. 7937
8 Sarah J. Odia, Esq.
Nevada Bar No. 11053
9 6385 S. Rainbow Blvd., Suite 220
Las Vegas, Nevada 89118
*Attorneys for Plaintiff/Counter
Defendant Capitol Specialty Insurance
Corporation*

6 By: /s/ Gina M. Mushmeche

7 Gena L. Sluga, Esq.
Gina M. Mushmeche, Esq.
8985 Eastern Avenue, Ste. 200
Las Vegas, NV 89123
*Attorneys for Defendant
State National Insurance Company*

11 **ORDER**

13 IT IS SO ORDERED that Plaintiff's claims against Defendant State National Insurance
14 Company, Inc. in the instant matter, Case No. 2:20-cv-1382-JCM-VCF, is dismissed with
15 prejudice. Each party shall bear their own attorneys' fees and costs.

16 DATED: June 28, 2022

19 *James C. Mahan*
20 JAMES C. MAHAN
UNITED STATES DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of June, 2022, a true and correct copy of
STIPULATION AND [PROPOSED] ORDER TO DISMISS DEFENDANT STATE
NATIONAL INSURANCE COMPANY, INC. WITH PREJUDICE was served via the United
States District Court CM/ECF system on all parties or persons requiring notice.

By /s/ Jennifer Stephens

Jennifer Stephens, an Employee of
PAYNE & FEARS LLP

4892-6184-2470.1

PAYNE & FEARS LLP

ATTORNEYS AT LAW
6385 S. RA NBOV BLVD, SUITE 220
LAS VEGAS, NEVADA 89118
(702) 851-0300